

McKean County Planning Commission

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Anne Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

SURFACE
TRANSPORTATION BOARD

November 12, 2009

25988



RE: Knox and Kane Railroad Company Abandonment Exemption in Clarion, Forest, Elk and McKean Counties, PA, STB Docket No. AB-551 (Sub-No.1X)

Dear Ms. Quinlan:

This request is filed on behalf of McKean County Planning Commission (in conjunction with Clarion, Forest, and Elk Counties) which is a government agency interested in transportation and/or recreational trail opportunities, which is hereinafter referred to as "proponents".

While not taking a position on the merits of this abandonment, proponents request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment between milepost 95.3 at North Clarion Junction, PA, and milepost 165.2 at Mt. Jewett, PA, a distance of 69.9 miles, in Clarion, Forest, Elk and McKean Counties, PA.

A. Public Use Condition

Proponents request the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier/owner from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail connecting four counties throughout the Pennsylvania Wilds tourism promotion region. Conversion of the property to trail use is consistent with local and county comprehensive plans and greenway plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or review title information, complete a trail plan or commence negotiations with the carrier/owner.

McKean County, on behalf of the four counties, has applied to the PA Department of Conservation and Natural Resources for a grant to conduct a trail feasibility study for the entire portion of the proposed abandonment (69.9 miles). We are waiting for the reply from the State on the application. Once word is received we could commence preparing the trail plan and working with the corridor owner.

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2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponents also make the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, McKean County Planning Commission (in conjunction with Clarion, Forest, and Elk Counties) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Knox and Kane Railroad and operated by same.

The property, known as the Knox and Kane Railroad extends from railroad milepost 95.3 at North Clarion Junction, PA, to railroad milepost 165.2 at Mt. Jewett, PA, a distance of 69.9 miles in Clarion, Forest, Elk and McKean Counties, PA. The right-of-way is part of a line of railroad proposed for exempt abandonment in STB Docket No. AB-551 (Sub-No. 1X).

A map depicting the right-of-way is attached.

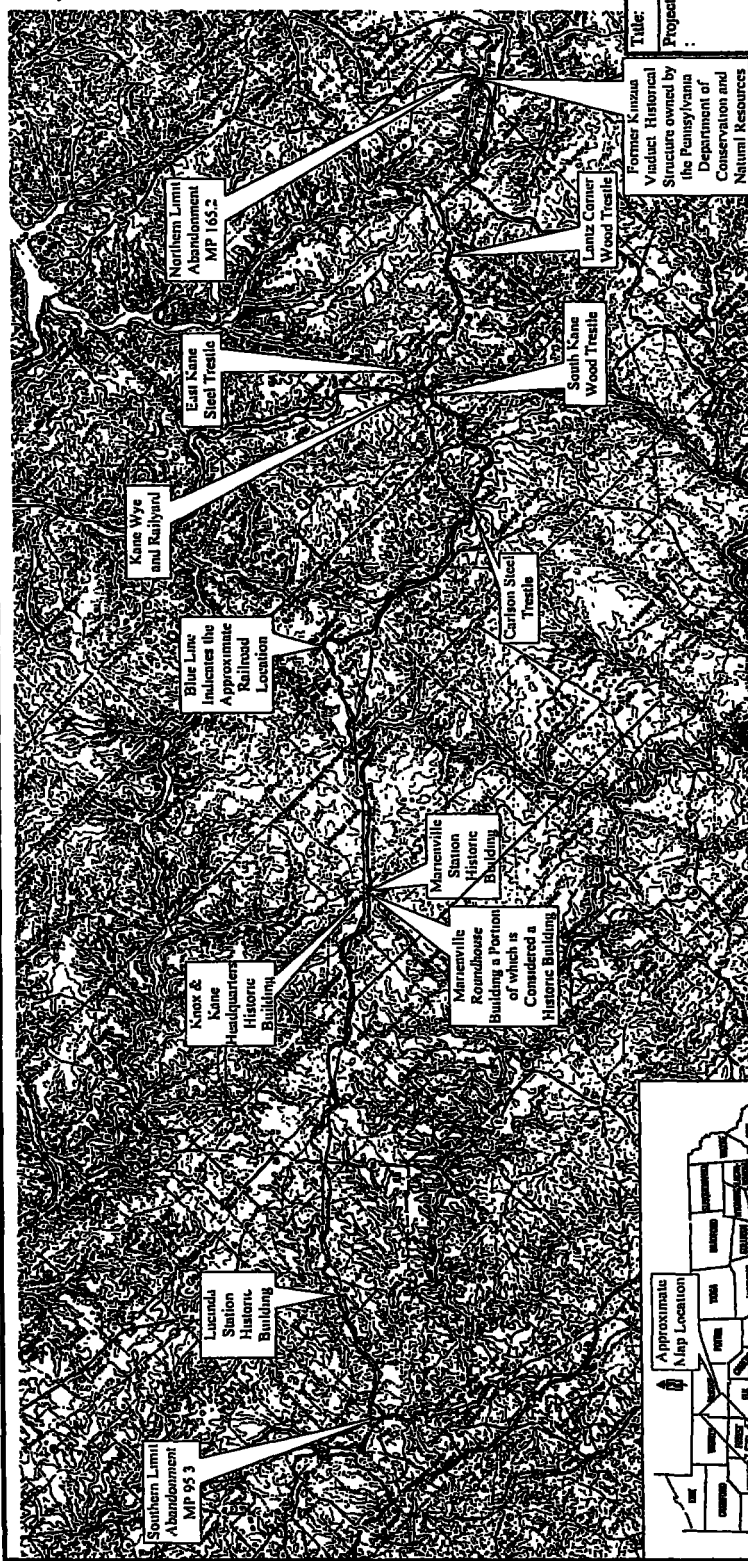
McKean County Planning Commission (as well as Clarion, Forest and Elk Counties) acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Knox and Kane Railroad, via Andrew P. Goldstein, 2175 K Street, NW, Suite 600, Washington, DC 20037, by U.S. Mail, postage prepaid, first class, November 11, 2009.

Respectfully submitted,



Deborah L. Lunden,
Director



Reference: USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photorevised 1969

County	Southern Limit	Northern Limit
Clarion	95.30	115.10
Forest	115.10	131.50
Elk	131.50	149.49
McKean	149.49	165.20



Title: Knox & Kane Railroad Map

Project: Rail Abandonment
Knox & Kane Railroad
MP-95.3 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clarion
Counties, Pennsylvania

JEMCOR

Abandonment Environmental Management Corporation 480 Market Street Johnstown, PA 15801 (714) 832-2899	Drawing Number JEM.B005
Drawn VBE-3/12/2009	Approved VBE-3/12/2009

FIGURE 1

